

**U.S. District Court
Western District of Virginia (Charlottesville)
CIVIL DOCKET FOR CASE #: 3:19-cv-00011-GEC**

Southern Environmental Law Center v. Bernhardt et al
Assigned to: Senior Judge Glen E. Conrad
Cause: 05:552 Freedom of Information Act

Date Filed: 02/21/2019
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Southern Environmental Law Center

represented by **Kimberley Claire Hunter**
Southern Environmental Law Center
601 West Rosemary Street, Suite 220
Chapel Hill, NC 27516-2356
919-967-1450
Fax: 919-929-9421
Email: khunter@selcnc.org
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Kristin Ann Davis
Southern Environmental Law Center
201 West Main Street, Suite 14
Charlottesville, VA 22902
434-977-4090
Fax: 434-977-1483
Email: kdavis@selcva.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Samuel Edward Evans
Southern Environmental Law Center
48 Patton Avenue, Suite 304
Asheville, NC 28801
828-258-2023
Fax: 828-258-2024
Email: sevens@selcnc.org
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

V.

Defendant

David Bernhardt
*in his official capacity as Acting Secretary
of the Department of the Interior*

represented by **Krista Consiglio Frith**
United States Attorneys Office – Roanoke
Western District of Virginia
310 First Street, SW, Suite 906
Roanoke, VA 24008
540-857-2956
Fax: 540-857-2283
Email: Krista.Frith@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Daniel Smith
*in his official capacity as Deputy Director
Exercising Authority of Director for the
National Park Service, an agency within*

represented by **Krista Consiglio Frith**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Daniel Jorjani
in his official capacity as Principal
Deputy Solicitor Exercising the Authority
of Solicitor, the head of the Office of the
Solicitor, an agency within the
Department of Interior

represented by **Krista Consiglio Frith**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/21/2019	<u>1</u>	COMPLAINT against All Defendants (Filing & Administrative fee \$ 400; Receipt 0423-3079984.), filed by Southern Environmental Law Center. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit 1 – SELC ACP FOIA Request of December 14, 2017, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3 – Awareness Process Memo from Cindy Cafaro from May 24, 2018, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6)(jcj)
02/21/2019	<u>2</u>	Negative Corporate Disclosure Statement by Southern Environmental Law Center (jcj)
02/21/2019	<u>3</u>	Electronic Summons Issued as to David Bernhardt, U.S. Attorney and U.S. Attorney General. NOTICE TO COUNSEL: Please print copies of the electronically issued summons for each defendant as necessary to effectuate service under Fed. R. Civ. P. 4. (Attachments: # <u>1</u> Attorney General Summons, # <u>2</u> AUSA summons)(jcj)
02/21/2019	<u>4</u>	Electronic Summons Issued as to Daniel Smith NOTICE TO COUNSEL: Please print copies of the electronically issued summons for each defendant as necessary to effectuate service under Fed. R. Civ. P. 4. (jcj)
02/21/2019	<u>5</u>	Electronic Summons Issued as to Daniel Jorjani NOTICE TO COUNSEL: Please print copies of the electronically issued summons for each defendant as necessary to effectuate service under Fed. R. Civ. P. 4. (jcj)
02/25/2019	<u>6</u>	MOTION for <i>Kimberley Hunter</i> to Appear Pro Hac Vice. Filing fee \$ 100, receipt number 0423-3082946, by Southern Environmental Law Center. (Attachments: # <u>1</u> Text of Proposed Order)(Davis, Kristin)
02/25/2019	<u>7</u>	MOTION for <i>Sam Evans</i> to Appear Pro Hac Vice. Filing fee \$ 100, receipt number 0423-3082959, by Southern Environmental Law Center. (Attachments: # <u>1</u> Text of Proposed Order)(Davis, Kristin)
02/25/2019	<u>8</u>	ORDER granting <u>6</u> MOTION to Appear Pro Hac Vice Attorney Kimberley Claire Hunter for Southern Environmental Law Center added. Signed by Senior Judge Glen E. Conrad on 2/25/19. (hnw)
02/25/2019	<u>9</u>	ORDER granting <u>7</u> MOTION to Appear Pro Hac Vice Attorney Samuel Edward Evans for Southern Environmental Law Center added. Signed by Senior Judge Glen E. Conrad on 2/25/19. (hnw)
03/27/2019	<u>10</u>	ANSWER to Complaint <u>1</u> by David Bernhardt, Daniel Jorjani, Daniel Smith.(Frith, Krista)
03/28/2019	<u>11</u>	Magistrate Consent Notice to Parties. (jcj)
06/06/2019	<u>12</u>	Rule 26(f) Agreed Written Plan by Defendants David Bernhardt, Daniel Jorjani, Daniel Smith (Frith, Krista)
06/10/2019	<u>13</u>	CROSS MOTIONS BRIEFING ORDER. Signed by Senior Judge Glen E. Conrad on 6/10/2019. (ssm)
08/28/2019	<u>14</u>	MOTION to Dismiss for Lack of Jurisdiction <i>Count 2</i> by David Bernhardt, Daniel Jorjani, Daniel Smith. (Frith, Krista)
08/28/2019	<u>15</u>	Brief / Memorandum in Support re <u>14</u> MOTION to Dismiss for Lack of Jurisdiction <i>Count 2</i> . filed by David Bernhardt, Daniel Jorjani, Daniel Smith. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Frith, Krista)

09/11/2019	<u>16</u>	RESPONSE in Opposition re <u>14</u> MOTION to Dismiss for Lack of Jurisdiction <i>Count 2</i> . filed by Southern Environmental Law Center. (Attachments: # <u>1</u> Exhibit 1, Email correspondence, # <u>2</u> Exhibit 2, Feb 2019 memo, # <u>3</u> Exhibit 3, Additional public records, # <u>4</u> Exhibit 4, Outstanding FOIA requests)(Hunter, Kimberley)
09/18/2019	<u>17</u>	REPLY to Response to Motion re <u>14</u> MOTION to Dismiss for Lack of Jurisdiction <i>Count 2</i> . filed by David Bernhardt, Daniel Jorjani, Daniel Smith. (Frith, Krista)
09/27/2019	<u>18</u>	NOTICE of Hearing on Motion <u>14</u> MOTION to Dismiss for Lack of Jurisdiction <i>Count 2</i> and forthcoming Motion to Compel in conjunction w/ similar motions in 3:19-cv-17 : (CR) (No Interpreter requested) Motion Hearing set for 11/4/2019 10:00 AM in Roanoke before Senior Judge Glen E. Conrad. (ssm)
10/03/2019	<u>19</u>	Joint MOTION to Reset Deadlines by Southern Environmental Law Center. (Attachments: # <u>1</u> Text of Proposed Order)(Hunter, Kimberley)
10/07/2019	<u>20</u>	ORDER granting <u>19</u> Joint Motion for a reset of deadlines. Signed by Senior Judge Glen E. Conrad on 10/4/19. (hnw)
10/30/2019	<u>21</u>	Joint Motion to Waive Appearance of local Counsel <i>at Nov. 4, 2019 hearing</i> by Southern Environmental Law Center. (Attachments: # <u>1</u> Text of Proposed Order)(Davis, Kristin)
10/30/2019	<u>22</u>	ORDER granting <u>21</u> Motion to Waive Appearance of Local Counsel and allowing pro hac counsel to appear at oral argument. Signed by Senior Judge Glen E. Conrad on 10/30/2019. (ssm)
11/04/2019	<u>23</u>	Minute Entry for proceedings held before Senior Judge Glen E. Conrad: Motion Hearing held on 11/4/2019 re <u>14</u> MOTION to Dismiss for Lack of Jurisdiction <i>Count 2</i> filed by Daniel Jorjani, David Bernhardt, Daniel Smith. (Court Reporter: Mary Butenschoen) (ssm) (Main Document 23 replaced on 11/8/2019 w/ corrected minute sheet and regenerated to all) (ssm). (Entered: 11/08/2019)